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6 Attorneys for Defendant LAWRENCE KAM

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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 ANDREW BOYD,

NO. C07-03595 JCS

12 Plaintiff,

**JOINT CASE MANAGEMENT  
STATEMENT AND PROPOSED ORDER**

13 vs.

**Date: November 16, 2007**

14 LAWRENCE KAM,

**Time: 1:30 p.m.**

**Dept: Courtroom A, 15<sup>th</sup> Floor,  
Honorable Joseph C. Spero,**

15 Defendant.  
16 \_\_\_\_\_/

17 Having met and conferred about all matters described herein, the parties to the above  
18 entitled action jointly submit this Case Management Statement and Proposed Order and  
19 request the Court to adopt it as its Case Management Order in this case.

20 **DESCRIPTION OF THE CASE**

21 1. A brief description of the events underlying the action:

22 This accident arises out of a three vehicle motor vehicle accident that took place  
23 on July 14, 2005 at 8:35 a.m. on northbound Interstate 880 south of Whipple Road in  
24 Union City, California.

25 The brakes in Defendant's vehicle failed, and as a result, he struck Plaintiff's vehicle.  
26 Plaintiff's vehicle struck the vehicle in front of it.

27 2. The principal factual issues which the parties dispute:

1 Causation of Plaintiff's injuries which Plaintiff claims consists of an aggravation of a pre-  
2 existing tremor along with cognitive/emotional difficulties.

3 3. The principal legal issues which the parties dispute:

4 None to date.

5 4. The other factual issues [e.g. service of process, personal jurisdiction, subject  
6 matter jurisdiction or venue] which remain unresolved for the reason stated below and how the  
7 parties propose to resolve those issues:

8 None to date.

9 5. The parties which have not been served and the reasons:

10 All parties have been served and have appeared.

11 6. The additional parties which the below-specified parties intend to join and the  
12 intended time frame for such joinder:

13 None.

14 7. The following parties consent to assignment of this case to a United States  
15 Magistrate Judge for [court or jury] trial:

16 Plaintiff and Defendant.

### 17 **ALTERNATIVE DISPUTE RESOLUTION**

18 8. The parties agree to mediation once the depositions of the Plaintiff and his  
19 treating physicians have been taken, and once Plaintiff undergoes an Independent Medical  
20 Examination and/or Independent Neuropsychological Examination.

21 9. Please indicate any other information regarding ADR process or deadline:

22 The parties intend to attempt to set doctor depositions in Massachusetts sometime  
23 December 2007, depending on physician availability. This may take until January 2008.

24 Defendant shall fly Plaintiff and his wife out to California for deposition and IME(s). This  
25 should probably take place sometime January 2008, depending on availability of the IME(s)  
26 physicians.

27 Mediation should take place shortly thereafter, perhaps in the February/March 2008

1 time frame, depending on the availability of the IME report(s).

2 **DISCLOSURES**

3 10 The parties certify that they have made the following disclosures:

4 The parties have not made any formal disclosures as of yet. However, the parties had  
5 been engaging in pre-litigation discovery wherein medical records had been obtained.

6 **DISCOVERY**

7 11 The parties agree to the following discovery plan:

8 Written discovery has been served by Defendant upon Plaintiff. Medical records and  
9 employment records are being obtained.

10 As stated above, depending on physician availability, depositions of treating physicians  
11 should take place sometime December 2007 or January 2008. Plaintiff's deposition and IME  
12 should take place sometime January 2008.

13 **TRIAL SCHEDULE**

14 12. The parties request a trial date after July 2008.

15 13. The parties expect that the trial will last for the following number of days:

16 At proximately five (5) court days.

17  
18 DATED: 10-31, 2007

BENNETT, SAMUELSEN, REYNOLDS & ALLARD

19  
20  
21 BY

Jennifer A. Kung  
Attorneys for Defendant  
LAWRENCE KAM

22  
23 DATED: 10-31, 2007

LAW OFFICES OF WALTER L. DAVIS

24  
25  
26 BY

Walter L. Davis  
Attorneys for Plaintiff  
ANDREW BOYD

27  
- 3 -

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JOINT CASE MANAGEMENT STATEMENT AND PROPOSED ORDER

SHOULD ACTIVE 1: LIES Boyd v. Kam CGA 4258ACMC 5761 apt

**CASE MANAGEMENT ORDER**

The Case Management Statement and Proposed Order is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order. In addition the Court orders:

*[The Court may wish to make additional orders, such as:*

- a. Referral of the parties to court or private ADR process;*
- b. Schedule a further Case Management Conference;*
- c. Schedule the time and content of supplemental disclosures;*
- d. Specially set motions;*
- e. Impose limitations on disclosure or discovery;*
- f. Set time for disclosure of identify, background and opinions of experts;*
- g. Set deadlines for completing fact and expert discovery;*
- h. Set time for parties to meet and confer regarding pretrial submissions;*
- i. Set deadline for hearing motions directed to the merits of the case;*
- j. Set deadline for submission of pretrial material;*
- k. Set date and time for pretrial conference;*
- l. Set a date and time for trial.]*

Dated: \_\_\_\_\_

\_\_\_\_\_  
United States District/Magistrate Judge.

**CERTIFICATE OF SERVICE**

I am a citizen of the United States, over the age of 18 years. On **November 1, 2007**, I served the attached:

**JOINT CASE MANAGEMENT STATEMENT AND PROPOSED ORDER**

on the interested parties in said cause, by placing ( X ) the original; ( ) a true copy thereof enclosed in a sealed envelope addressed as follows:

Walter Lee Davis  
22320 Foothill Blvd., #600  
Hayward, CA 94541

☒ BY MAIL: I caused such envelope(s) to be placed in the United States mail, postage fully prepaid, in accordance with the standard business practices of this office, in the city of Alameda, California.

☐ BY HAND: I caused such envelope to be picked up and delivered to the office(s) of the addressee(s) in accordance with the standard business practices of this office.

☐ BY OVERNIGHT DELIVERY: I caused such envelope to be delivered to [OVERNIGHT SERVICE NAME] for delivery to the office(s) of the addressee(s) as listed above the following day in accordance with the standard business practices of this office.

☐ BY FACSIMILE TRANSMISSION: I caused a copy of such document to be sent via facsimile to the office(s) of the addressee(s) as listed above in accordance with the standard business practices of this office. A true and correct copy of the facsimile confirmation sheet(s) is attached hereto.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on **November 1, 2007**, Alameda, California.

  
CHRISTI BIDWELL

Boyd v. Kam

United States District Court Northern District of California Case No.: C07-03595